

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BILLY FORD, et al.,

Plaintiffs,

v.

BAC HOME LOANS SERVICING, LP,

Defendant.

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CIVIL ACTION 11-0419-WS-N

ORDER

This matter comes before the Court on the parties' Joint Status Report Concerning Settlement Negotiations and Motion to Continue Stay (doc. 18).

On October 25, 2011, the undersigned entered an Order (doc. 17) staying this action through and including November 21, 2011 to facilitate the parties' ongoing settlement negotiations, which they characterized as complex and requiring evaluation and processing of financial information. Now, the parties jointly request that the stay be extended for another 45 days, through and including January 5, 2012. As grounds for this request, the parties explain that they are presently analyzing plaintiffs' eligibility for a loan modification, and that if such a modification is approved upon mutually agreeable terms, this action will be settled. It appears that the parties have been diligent in this regard, but that the loan modification process is inherently time-consuming.

Under the circumstances presented here, the Court agrees that continuing the stay for an additional 45 days is warranted. Such an extension will not prejudice any party and appears to be firmly grounded in good-faith settlement negotiations that are being diligently explored. Moreover, the parties are confronted with litigating a pending Rule 12(b) motion, at nontrivial expense and effort, that will be rendered moot if their ongoing negotiations are successful.

For all of the foregoing reasons, the parties' jointly filed Motion to Continue Stay (doc. 18) is **granted**. It is **ordered** as follows:

1. The stay imposed on October 25, 2011 is hereby **extended** through **January 5, 2012**, at which time the stay will expire by its terms;
2. The parties must file a joint status report concerning their settlement negotiations by no later than **January 5, 2012**, and identifying any requested court action to facilitate or memorialize those efforts;
3. The briefing schedule on the pending Motion to Dismiss is **amended** to provide that plaintiffs' response must be filed on or before **January 6, 2012**, with any reply by defendant to be due on **January 13, 2012**; and
4. The parties' deadline for filing their Rule 26(f) Report is **extended** through and including **January 13, 2012**.

DONE and ORDERED this 21st day of November, 2011.

s/ WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE